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EXAMINER

NGUYEN, JIMMY H

ART UNIT PAPER NUMBER

2629

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,463

Applicant(s)

LIN ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is made in response to applicant's RESPONSE TO ELECTION REQUIREMENT AND AMENDMENT, filed on 09/25/2006.
2. Applicant's election without traverse of species I, as illustrated in figures 1-8 in the reply filed on 9/25/2006 is acknowledged.
3. Claims 9 and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species II as indicated by the applicant in the RESPONSE TO ELECTION REQUIREMENT, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09/25/2006. Claims 1-8 are considered as follows:

Important Notice to Applicants

4. **(Twice)** It is noted to Applicants that independent claim 1 recites a **non-cordless** mouse of Species I only; however, dependent claims 9 and 10 recite a **cordless** mouse of Species II or III. In other words, claims 9 and 10 recite both a non-cordless mouse and a cordless mouse, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. **Accordingly, if independent claim 1 is allowed, claims 9 and 10 would not be allowed. Therefore, examiner suggests the applicants to cancel these claims, in order to speedily process the pending application.**
5. It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary, so as to avoid the below claim objections and the below rejection(s) under

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35 USC 112, second paragraph, and to improve their form to conform with U.S. claim drafting practice.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature, “the power supply of said USB plug” in lines 9-10 of claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claim 1 is objected to because of the following informalities:

“an upper and lower carapace” in line 3 should be changed to -- **an upper carapace and a lower carapace** -- (see Fig. 1 which shows two distinct carapaces);

“a circuit board, an optical coordinates device output buttons or reel wheel” in lines 4-5 should be changed to -- **a microcontroller circuit board an optical coordinate device, output buttons, and a reel wheel** -- (see page 5 of the specification and Fig. 3); and

“its surrounding area” in line 15 should be changed to -- **a surrounding area of said mouse** --; in order to avoid confusion and to make the invention consistent with the specification. Appropriate correction is required.

8. Claim 3 is objected to because of the following informalities: “said circuit board is” in line 2 should be changed to -- **said ozone generator module includes a circuit board** -- (a circuit board 21, see Fig. 7 and page 6, lines 22-23). Appropriate correction is required.

9. Claim 4 is objected to because of the following informalities: “transistor is” in line 2 of claim 4 should be changed to -- **transformer** --, in order to make the claimed invention consistent with the disclosure (see page 6, line 23) and to improve grammatically. Appropriate correction is required.

10. Claim 5 is objected to because of the following informalities: “each opposing electrode pin” in line 3 should be changed to -- **each of a plurality of opposing electrode pins of said ozone generator module** --, in order to clarify the claimed invention (see Fig. 4). Appropriate correction is required.

11. Claim 6 is objected to because of the following informalities: “two wires (negative and positive) that” in lines 2-3 should be changed to -- **two wires, one having negative polarity and**

another having a positive polarity, said two wires --, in order to clarify the claimed invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 3-7, since claim 3 depends upon claim 1, and claim 1 does not recite a feature, "insulated box", claim 3 recites the limitation "said insulated box" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claims 4-7 are also rejected as being dependent upon claim 3.

Additionally to claims 5-7, claim 5 recites the limitation "said electrode board" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claims 6-7 are also rejected as being dependent upon claim 5.

As to claim 8, this claim recites "The ozone disinfecting non-cordless mouse of claim 1, further comprising a suitable vent in said carapace, including the boundary line between the upper and lower said carapace and a port on said exterior". It is not clear what the applicants means "the upper and lower said carapace", i.e., a single element (if so, this feature does not support in Fig. 1 and the corresponding specification, which disclose two distinct elements, a top carapace (10) and a bottom carapace (11)). It is not clear what the applicants means "a suitable vent in said carapace", i.e., a suitable vent in the upper (top) carapace (10) or the lower (bottom)

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carapace (11) in light of the specification and Fig. 1. It is not clear what element including the boundary line. It is not clear what the applicants means "the boundary line between the upper and lower said carapace and a port on said exterior", i.e., the boundary line between the upper carapace and the lower carapace and a port does not relate to the boundary line, or the boundary line between the carapace and a port on said exterior. Further, claim 8 recites the limitation "said exterior". There is insufficient antecedent basis for this limitation in the claim.

14. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

15. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claims above, independent claim 8 recites the feature, "an internal ozone generator module connected to the power supply of said USB plug, such that said ozone generator module being operated utilizing said existing power supply" (see lines 8-12), which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The disclosure, when filed, specifically page 5, lines 12-14, discloses " In addition, the mouse can transmit signals to and receive power from the computer through a USB (Universal Serial Bus) connection plug 16". Based on this disclosure, the USB plug 16 is a mere communication interface to allow the mouse to receive a power from the power supply of the computer, and the

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USB connection plug does not comprise a power supply, as presently claimed. Moreover, as best understood, Examiner doubts whether there is a USB connection plug including a power supply available (on the market) at this time. Accordingly, these claims contain the above underlined feature, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cheng (US 6,720,950 B2, see Fig. 3 and Abstract) and Roberts (US 6,458,331 B1, see Fig. 1 and Abstract), both disclose a computer input device and a separate ozone generator for sterilizing the computer input devices. Son (KR 2002023342 A, see Fig. 1 and Abstract) discloses a computer keyboard (1) including an ozone generator (11) disposed inside the keyboard.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is 571-272-7675. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHN
September 28, 2006

A handwritten signature in black ink, appearing to read 'JHN' followed by a stylized flourish.

Jimmy H. Nguyen
Primary Examiner
Technology Division: 2629